

459082 ORIGINAL (10/02)



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U.S. CERTIFIED MAIL - RETURN RECEIPT REQUESTED

April 16, 2002

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

**RE: Request for Information Pursuant to Section 104 of CERCLA
(42 U.S.C. Section 9604)
Lower Darby Creek Area Superfund Site – Clearview Landfill, Folcroft Landfill
and Folcroft Landfill Annex, Delaware and Philadelphia Counties, Pennsylvania**

Dear Ms. Prisk:

Crompton Corporation¹ ("Crompton") received a CERCLA Section 104(e) information request from Henry J. Sokolowski, U.S. EPA Region III, dated February 19, 2002 ("Information Request") relating to the above-referenced site ("Site"). Subsequently, you agreed that Crompton could have an extension of time until April 16, 2002 as confirmed in my letter to you of March 5, 2002. This letter constitutes the response of Crompton to the Information Request.

As a preliminary matter, Crompton objects to the Information Request as a whole, to its general scope and as noted specifically below (but not by way of limitation) in so far as the Information Request is overly broad and unduly burdensome, contains indefinite requests seeking information not reasonably relevant to the above-referenced "Site", and exceeds the U.S. EPA's statutory authority.² For example, Crompton objects to the certification and supplementation of

¹The Information Request was directed to Bryton Chemical c/o Crompton Corporation.

²A court decision attributing liability for a defendant's failure to comply with U.S. EPA information requests pursuant to CERCLA, 42 U.S.C. Sec. 9601 *et seq.* and RCRA, 42 U.S.C. Sec. 6901 *et seq.*, defined an enforceable information request as one where (1) the investigation is within the agency's authority; (2) the request is not too indefinite; and (3) the information requested is reasonably relevant." *United States v. Liviola*, 605 F. Supp 96, 99 (N.D. Ohio 1985) (citations omitted; *see also* *United States v. Pretty Products, Inc.*, 780 F. Supp. 1488 (S.D. Ohio

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this response, as it is aware of no such requirements to do so. Crompton also objects to Request for Information 3 in that Crompton has no obligation to seek out responsive information from former employees and/or agents. We understand that the time period for which this information is sought is 1958-1976. We further understand through conversation and through the U.S. E.P.A.'s response to Crompton's FOIA request (by letter of April 3, 2002 from Harry Steinmetz to Pamela Missal, Crompton Corporation) that the facility allegedly involved with the Site is a facility located in Trainer, Pennsylvania, and previously operated by Bryton Chemical Company (the "Trainer Facility").

Crompton Corporation is incorporated in the state of Delaware with a primary address of One American Lane, Greenwich, CT 06831 USA. On September 1, 1999, Witco Corporation ("Witco") and Crompton & Knowles Corporation effectively merged to form a new entity named CK Witco Corporation. CK Witco Corporation has since changed its name to Crompton Corporation. Prior to the formation of Crompton, Witco Corporation (then known as Witco Chemical Corporation) appears to have acquired Bryton Chemical's Trainer Facility in 1973 from Continental Oil Company. Crompton has no parent entity and it objects to identifying all subsidiaries and affiliate entities in that this is burdensome and irrelevant given the allegations of involvement by the Trainer Facility. Crompton has provided relevant corporate information concerning the Trainer Facility to the extent known.

Crompton objects to Request for Information 2 and 4 as overly burdensome since this information should be available from another source. Subject to and without waiving this objection, and as noted above, Witco Chemical Corporation appears to have acquired Bryton Chemical's Trainer, Facility in 1973. It appears that the Trainer Facility engaged in the production of synthetic petroleum sulfonates and rust preventatives. On July 1, 1998, Witco Corporation sold all of the assets of its SACI® anti-corrosion coating business, along with the manufacturing plant located in Trainer, Pennsylvania to Stoney Creek Technologies, LLC.

Specific to question #'s 5-12 and 14, Crompton objects to the same to the extent they seek information beyond the usage, handling, generation and disposal of the materials allegedly disposed at the Site (as defined in the Information Demand). Crompton's response is limited to the usage, handling, generation and disposal of materials alleged to have been disposed of at the Site during the relevant time period of Site operation. Concerning those questions related to waste disposal practices and document retention, any documents which might have existed at the time that the Trainer Facility was divested were transferred to Stoney Creek Technologies, LLC. Crompton has identified no current employee who would have been at the Trainer Facility during

1991); United States v. Charles George Trucking Co., Inc., 624 F. Supp. 1185 (D.C. Mass 1986), aff'd, 823 F.2d 685 (1st Cir. 1987); and United States v. Crown Roll Leaf, Inc., 29 ERC 2018, 2022 (D.N.J. 1988).

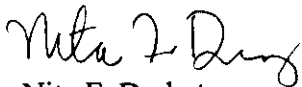
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the time period of alleged shipments to the Site, which according to the April 3, 2002 FOIA response, appears to be 1968 to the early 1970's.

Any further correspondence concerning this matter should be directed to the undersigned.

Sincerely yours,

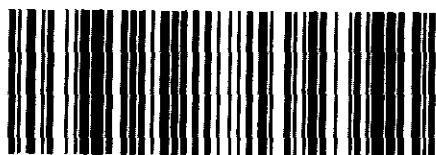


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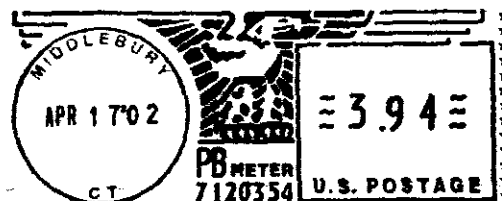


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